

REMARKS/ARGUMENTS

STATUS OF THE APPLICATION

Claims 1, 10-13, 22, 30, 39, 48-50, and 59-94 were pending in this application and examined. Claims 1, 10-13, 22, 30, 39, 48-50, and 59-94 were rejected under 35 USC 103(a) as being unpatentable over Treyz et al. (USP 6,587,835; hereinafter "Treyz") in view of Allard et al. (USP 6,249,773; hereinafter "Allard") in the Final Office Action dated March 19, 2004. An amendment after the Final Office Action was filed on May 19, 2004. An Advisory Action dated July 8, 2004 was received maintaining the rejection of all the pending claims in view of Treyz and Allard.

Applicant has amended claims 1, 22, 39, 59, 61, 63, 66-67, 70, 71, 73, 75, 78-79, 82, 83, 85, 87, 90-91, and 94. Claims 69, 81, and 93 have been canceled without prejudice. New claims 95-97 have been added. Claims 1, 10-13, 22, 30, 39, 48-50, and 59-97 remain pending in the application after entry of this amendment.

THE CLAIMS

Rejections under 35 USC 103

Independent claims 1, 22, and 39

Applicant maintains that the independent claims, as previously pending, were not taught or suggested by Treyz or Allard, considered individually or in combination for at least the reasons discussed in the Amendment After Final dated May 19, 2004.

To further differentiate the claimed invention from the cited prior art, Applicant has amended claim 1 as follows:

storing first information comprising information identifying a plurality of generic items, information identifying one or more attributes of the plurality of generic items, information identifying one or more substitute generic items for one or more generic items in the plurality of generic items, and information identifying hierarchical relationships between one or more generic items in the plurality of generic items; and

determining a plurality of purchasable units for the first project using the first information, each purchasable unit in the plurality of purchasable units having a brand name, an

amount, and a price associated with the purchasable unit. (Applicant's claim 1, emphasis added).

Applicant submits that neither Treyz nor Allard stores or uses "first information" as recited in claim 1. There is no teaching or suggestion in either Treyz or Allard of storing information identifying generic items, attributes of generic items, substitutes for the generic items, and hierarchical relationships between items. Further, neither Treyz nor Allard teaches or suggests determining purchasable items for a project using the "first information". Applicant thus submits that even if Treyz and Allard were combined, the combination would fail to teach or suggest the features of the invention as recited in claim 1.

If the Examiner believes that the above discussed features recited in claim 1 are shown or suggested by either Treyz or Allard, then Examiner is requested to clearly identify sections of the cited references and how they relate to the claimed invention.

Applicant submits that independent claims 22 and 39 are patentable for at least a similar rationale as discussed above for the patentability of independent claim 1.

Dependent claims 10-13, 30, 48-50, and 59-94

Applicant submits that the dependent claims are patentable for at least a similar rationale as discussed above for the patentability of independent claims from which they depend.

Additionally, Applicant submits that the dependent claims recite additional features that are not taught or suggested by the cited references considered individually or in combination.

(1) For example, as recited in claims 67, 79, and 91, purchasable units from only a subset of vendors are determined from vendors that can provide purchasable units for a generic item. The subset of vendors is selected such that at least one vendor that can provide purchasable units for the first generic item is not selected in the subset. Purchasable units from only the subset of vendors are selected for the first generic item for inclusion in the plurality of purchasable units for the project, even though other vendors may provide purchasable units for the first generic item. The Examiner has not shown or identified how the cited references, individually or in combination, disclose the features of these claims. Applicant thus submits that

this is an additional reason for allowing claims 67, 79, and 91. If the Examiner believes that features recited in claims 67, 71, and 91 are shown or suggested by either Treyz or Allard, then Examiner is requested to clearly identify sections of the cited references and indicate how they relate to the features recited in the claims.

(2) As another example, as recited in claims 68, 80, and 92, a select set of vendors is determined to which a generic item is assigned. Purchasable units from only the select set of vendors are selected for a generic item for inclusion in the plurality of purchasable units for the project. The Examiner has not shown or identified how the cited references, either individually or in combination, disclose the features of these claims. Applicant thus submits that this is an additional reason for allowing claims 68, 80, and 92. If the Examiner believes that features recited in claims 68, 80, and 92 are shown or suggested by either Treyz or Allard, then Examiner is requested to clearly identify sections of the cited references and indicate how they relate to the features recited in the claims.

(3) As another example, claims 59, 71, and 83 recite “projects-to-items information” where a plurality of items identifiers are associated with each project identifier, and “items-to-purchasable units information” where purchasable units are associated with item identifiers, and the use of these two types of information. The Examiner has not shown or identified how the cited references, individually or in combination, disclose these features of the claims. Applicant submits that this is an additional reason for allowing claims 59, 71, and 83. If the Examiner believes that features recited in claims 59, 71, and 83 are shown or suggested by either Treyz or Allard, then Examiner is requested to clearly identify sections of the cited references and indicate how they relate to the features recited in the claims.

(4) As another example, claims 61, 73, and 85 recite “items-to-purchasable units information” and the use of the information. The Examiner has not shown or identified how the cited references, individually or in combination, disclose this feature of the claims. Applicant submits that this is an additional reason for allowing claims 61, 73, and 85. If the Examiner

believes that features recited in claims 61, 73, 85 are shown or suggested by either Treyz or Allard, then Examiner is requested to clearly identify sections of the cited references and indicate how they relate to features recited in the claims.

New Claims

Applicant has added new claims 95-97. Applicants submit that the new claims are in a condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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